IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 10145 of 2005

Between:

B. Raghavendra Rao S/o.Late Panakalrao
R/o. Srilakshmi Apartments 3rd Floor Flat.No.308,

Plot.No.15, Huda Complex
Saroornagar Hyderabad.

..... PETITIONER

AND

1 The Commissioner of Survey Settlement and Land Records

Govt., of A.P. Hyderabad.
2 The Director of Settlements Govt., of A.P
Hyderabad.
3 The Joint Collector-cum-Settlement Officer
Visakhapatnam District (WE)
4 The Mandal Revenue Officer (Urban)
Visakhapatnam District (WE)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus to call for the records connected to the respondent No.3 joint Collector & Settlement Officer, Visakhapatnam is S.R.No.11(a)/1/98-VSP, Dt.08-12-1998 and to set a side the same as being illegal, arbitrary, unconstitutional null and void and consequently direct the 3rd respondent to grant Ryotwari Patta in respect of S.No.3(c) for an extent of Ac.4.80 cents of Kaparada (V), Visakhapatnam district following the orders contained in SR 11 A 506/67, Visakhapatnam dated 30-10-1967 of the Assistant Settlement Officer, Anakapalli, and also on the verdict of this Hon'ble High Court in W.P.No.11231 of 1995 which was allowed on 31-10-1997 or alternatively not considering the prima facie facts is illegal, arbitrary, discriminatory, violative of Article 14 & 21 of the constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR ROHIT, Advocate for MR.ANGURU.NARAYANA RAO
Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

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This writ petition is filed seeking direction to the 2nd respondent/Director of Settlements to dispose of the R.P.No.11/1999 while setting aside the order of the 3rd respondent/Joint Collector-cum-Settlement Officer, Visakhapatnam District, passed on 08.12.1998, and consequently direct the 3rd respondent to grant Ryotwari Patta in respect of S.No.3(c) for an extent of Ac.4.80 cents of Kaparada village, Visakhapatnam District following the orders contained in
SR 11A 506/67, Visakhapatnam dated 30.10.1967 of the Assistant Settlement Officer, Anakapalli and also on the verdict of this Court in W.P.No.11231 of 1995 which was allowed on 31.10.1997.

The petitioner stated that he is the elder son of late B.Panakalarao who was the patta holder of O.S.No.3(c) and his father died in the year 1964 leaving behind him, his mother Laxmi Baiamma and two sisters Tekumalla Premalatha and Y.Vanibai. During lifetime of the father of the petitioner, the Simhachalam Devasthanam granted him patta on 14.11.1940 to an extent of Ac.4.80 cents of dry land covered by patta No.57 situated in Kaparada village of Visakhapatnam District. Consequent to the abolition of the estates, the petitioner, his mother, his paternal uncle along with his sisters filed a petition for grant of Ryotwari patta for the lands covered by Survey Nos.3 (a), (b) and (c), and the Assistant Settlement Officer, Anakapalli by his proceedings in SR.11 (a), dated 30.10.1967 issued patta in respect of the lands covered in S.No.3 (c) corresponding to new S.No.9/3 and 22/1 and further rejected the application dated 13.03.1986 by orders dated 20.4.1989 on the ground that there is delay of 20 years between 30.10.1967 and 13.03.1986. It is further stated that the petitioner and his sisters approached this Court by filing W.P.No.11231 of 1995 and this Court, directing the respondents to consider their claim, allowed the same. But the

3rd respondent dismissed the claim of the petitioner vide his proceedings in SR 11(a)/1/98-VSP, dated 08.12.1998 on the ground that there is no evidence to show that the petitioners were inducted into the claim land on or before the crucial date of 01.07.1945. The petitioner being aggrieved by the orders of the 3rd respondent, preferred an appeal before the 2nd respondent under Sec. 5(2) (a) E.A.Act, 1948 r/w.Sec.151 CPC in R.P.No.11/99 and it is pending adjudication since more than six years. Hence the Writ Petition.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue.

The learned Government Pleader submitted that the sisters of the petitioner have filed the appeal, but the petitioner herein is not the appellant in R.P.No.11/99 and hence the writ petition is not maintainable and liable to be dismissed.

On the other hand, the learned counsel for the petitioner submitted that the petitioner filed implead petition in R.P.No.11/99, but he is unable to furnish the number of the petition and date of filing of the petition.

In those circumstances, the writ petition needs to be dismissed. However, it is left open to the petitioner to approach the 2nd respondent and file implead petition in R.P.No.11/99, if he is not already filed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

Dated: 13.06.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner of Survey Settlement
and Land Records, Govt.of A.P., Hyderabad

2. The Director of Settlements, Govt.of A.P,
Hyderabad

3. The Joint Collector-cum-Settlement Officer,

Visakhapatnam District (WE)

4. The Mandal Revenue Officer (Urban)

Visakhapatnam District (WE)

5. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

6. Two CD copies